

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

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| UNITED STATES OF AMERICA | § | |
| | § | |
| VS. | § | CRIMINAL NO. 4:14-CR-078-O |
| | § | |
| DOUGLAS ASH, <i>et al</i> | § | |

ORDER


Before the Court is Defendant Douglas Ash's ("Ash") Motion to Continue Trial Setting (ECF No. 263). After reviewing the motion, the Court finds that the trial date for *all* of the defendants¹ should be reset for the reasons that follow, and the Court resets the case for trial on **August 5, 2014 at 9:00 A.M.** All deadlines contained in the trial scheduling order docketed on May 6, 2014 are extended for 30 days by this order. *See* ECF No. 265.

Pursuant to 18 U.S.C. §3161(h), a court can grant an "ends of justice" continuance at the request of a defendant or defendant's attorney if the court does so on the basis of the finding "that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." *Id.* One of the factors a court may consider in granting an "ends of justice" continuance is "[w]hether the failure to grant such a continuance . . . would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." 18 U.S.C. §3161(h)(7)(B)(iv).

¹ The court may continue the trial date for all co-defendants in the same case when only one moves for a continuance. *See United States v. Jones*, 56 F.3d 581, 584 n.4 (5th Cir. 1995). In addition, the Motion represents that all defendants agree to the continuance.

Bell asserts that he needs additional time so that he can adequately prepare for trial due to the volume of discovery. For the reasons set out in the motion, the Court finds (1) that the ends of justice served by the granting of a trial continuance outweigh the best interests of the public and defendants who seek a continuance in a speedy trial; (2) that the failure to grant a continuance in this case would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence; and (3) that taking into account the exercise of due diligence by defense counsel, a continuance of the duration granted by this order is necessary for effective preparation.

SO ORDERED on this the 7th day of May, 2014.



Reed O'Connor
UNITED STATES DISTRICT JUDGE